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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/580,488

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EXAMINER

LEIBY, CHRISTOPHER E

ART UNIT

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2629

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/580,488	Applicant(s) ARIE ET AL.	
	Examiner CHRISTOPHER E. LEIBY	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/10/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. **Claims 1-6** are pending.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/10/2009 has been entered.

Claim Objections

3. **Claim 1** is objected to because of the following informalities. The claim reads "...said vibration detecting means sustains over a duration of time not shorter than the predetermined duration." This should read "...said vibration detecting means sustains over the duration of time not shorter than the predetermined duration." Appropriate correction is required for correct antecedent basis of duration previously disclosed in claim 1.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1, 5, and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by **Aoyanagi** (JP Patent 406083296).

Regarding **independent claims 1 and 6**, Aoyanagi discloses An information providing apparatus and method comprising: image display means mounted on a mobile object (*reference [industrial application] wherein a graphical display device is mounted in a vehicle*), presenting an image display of information which assists travel of the mobile object (*reference paragraph [0002] wherein graphical device projects navigation image to facilitate the drive*); vibration detecting means detecting vibration of not smaller than a predetermined level produced on said image display means and sending a detection output signal (*paragraph [0017] wherein the video signal displacement is subtracted from the vibration detection means so vibrations not smaller than the video signal displacement is detected*); and operation control means modifying a display mode of said information presented in the image display by said image display means (*paragraphs [0005] and [0008]*), when vibration of not smaller than said predetermined level produced on said image display means sustains over a duration of time not shorter than a predetermined duration, and

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when output of said detection output signal from said vibration detecting means sustains over the duration of time not shorter than the predetermined duration (*paragraph [0008] wherein the detection means are over a duration of a first frame not smaller than a first frame and every frame thereafter wherein a second duration would be a second frame and third duration would be a third frame*).

Regarding **claim 5**, Aoyanagi discloses an information providing apparatus, wherein: said mobile object is a vehicle (*paragraph [0001] reference vehicle*), and said image display means is configured so as to present image display of a road map image having a current position of said vehicle and an image expressing a travel route superposed therein, as said information (*paragraph [0002] reference navigation image*).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Aoyanagi** as applied to claim 1 above, in view of **Chene et al.** (EP Patent Application 1207072), herein after referred to as Chene.

Regarding **claim 2**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of

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negating vibrations of a display screen on which said information is presented as-
an in the image display in said image display means, when output of the
detection output signal from said vibration detecting means sustains over the
duration of time not shorter than the predetermined duration (*paragraphs [0005] and
[0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to increase luminance over the
third duration of vibration.

Chene does disclose increasing luminance to further facilitate viewing of a
display for a driver in a vibration environment (*abstract and paragraph [0009]*).

It would have been obvious to one skilled in the art at the time of the
invention to combine Aoyanagi's device with Chene increasing luminance over
the period since this would indicate a prolonged exposure of vibration to the
device and further means to increase the view ability of the screen would be
warranted.

Regarding **claim 3**, Aoyanagi discloses an information providing
apparatus, wherein said operation control means takes part in a control of
negating vibrations of a display screen on which said information is presented as-
an in the image display in said image display means, when output of the
detection output signal from said vibration detecting means sustains over the
duration of time not shorter than the predetermined duration (*paragraphs [0005] and
[0008] refer to rejection of claims 1 and 6*).

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Aoyanagi does not specifically disclose to enlarging images corresponded to mark information and character information contained in said information over the third duration of vibration.

Chene does disclose enlarging images corresponded to mark information and character information contained in said information to further facilitate viewing of a display for a driver in a vibration environment (*abstract and paragraph [00010]*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene enlarging images over the third period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

Regarding **claim 4**, Aoyanagi discloses an information providing apparatus, wherein said operation control means takes part in a control of negating vibrations of a display screen on which said information is presented as- an in the image display in said image display means, when output of the detection output signal from said vibration detecting means sustains over the duration of time not shorter than the predetermined duration (*paragraphs [0005] and [0008] refer to rejection of claims 1 and 6*).

Aoyanagi does not specifically disclose to increasing difference in contrast between an image of high importance and an image of low importance contained in said information over the third duration of vibration.

Chene does disclose increasing difference in contrast between an image of high importance and an image of low importance contained in said information to further facilitate viewing of a display for a driver in a vibration environment (*abstract reference contrast may be adjusted to provide maximum readability which is a difference in contrast between that of what needs to be read high importance over that which either cannot be read or does not need to be read low importance*).

It would have been obvious to one skilled in the art at the time of the invention to combine Aoyanagi's device with Chene enlarging images over the period since this would indicate a prolonged exposure of vibration to the device and further means to increase the view ability of the screen would be warranted.

Response to Arguments

8. Applicant's arguments filed 6/10/2009 have been considered and are found unpersuasive. Applicant stated "without acceding to the propriety of the rejection, each of the independent claims 1 and 6 is amended herein to even more clearly distinguish over Aoyanagi." Applicant argues that Aoyanagi does not disclose the claimed subject matter of detecting a vibration not smaller than a predetermined level not shorter than a predetermined level and when that detection sustains over a duration of time not shorter than the predetermined duration to modify a display mode on a display.

Firstly, the generic determination of predetermined levels is so broad than any determination what so ever is considered a predetermined level. For

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instance, lets say that 0 is our predetermined level so any vibrations detected what so ever is not smaller than 0. Secondly, again a predetermined duration could be any duration such as 0. So again, for instance, if my predetermined duration is 0 a signal which occurs at any time is not smaller than 0. Therefor, any vibration detected and outputs a detection signal may reject this claim disclosure.

Aoyanagi discloses in paragraph [0017] wherein the video signal displacement is subtracted from the vibration detection means so vibrations not smaller than the video signal displacement is detected, therefor a video signal is used as a predetermined level in which vibrations smaller than this level are not detected. Paragraph [0008] discloses a sensor which detects, and therefor outputs, a signal indicating the value of vibration and modifies a display in regards to this detected signal for every frame. So a predetermined duration of a frame is used wherein the detected signal is detected for a period not smaller than a frame allows the controller to make a predetermined calculation promptly, wherein the amount of displacement is compared with the time of the last frame and compared to a controller. The rejection remains as previously indicated since the subject matter remains substantially the same except for the subject matter of the claim objection as disclosed above.

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Conclusion

9. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Eisen can be reached on 571-272-7687. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CL

July 15th, 2009

/Henry N Tran/
Primary Examiner, Art Unit 2629